

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1231

Introduced by Senators Dunn, Bowen, and Kuehl

(Coauthors: Assembly Members Evans, Jones, and Laird *Laird, and Lieber*)

February 6, 2006

An act to amend Sections 18400.1 and 18424 of, and to repeal and amend 18502 of, the Sections 18400.1, 18400.3, and 18502 of the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, as amended, Dunn. Mobilehomes: park inspections.

The

(1) *The Mobilehome Parks Act* regulates the conditions in mobilehome parks and special occupancy parks, as defined, and, until January 1, 2007, requires the Department of Housing and Community Development, and local government entities that assume enforcement duties, to inspect the parks pursuant to specified criteria and to issue notices of violations. Existing law, until January 1, 2007, establishes a fee structure for permits for constructing and operating mobilehome parks and special occupancy parks and provides a different fee structure to take effect on and after January 1, 2007.

This bill would delete the date of January 1, 2007, and would *permanently* extend the operation of the provisions described above currently in effect until January 2014. The bill would revise the date the subsequent fee structure would take effect in conformance with this change. The bill would also revise the annual operating permit fee structure which is to take effect following the termination of the

~~current structure, and would update an element of the inspection criteria for parks and require the department to submit specified reports to the Legislature every 5 years. This bill would also remove superseded provisions.~~

(2) The Mobilehome Parks Act also requires the Department of Housing and Community Development to convene a specified task force at least once a year to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program.

This bill would instead require the task force to meet at least biannually and would require its input to the department on the conduct and operation of the mobilehome park maintenance inspection program to include, but not be limited to, frequency of inspection, program formation, and recommendations for program changes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18400.1 of the Health and Safety Code
- 2 is amended to read:
- 3 18400.1. (a) In accordance with subdivision (b), the
- 4 enforcement agency shall enter and inspect mobilehome parks, as
- 5 required under this part, at least once every seven years, to ensure
- 6 enforcement of this part and the regulations adopted pursuant to
- 7 this part. The enforcement agency's inspection shall include an
- 8 inspection of the exterior portions of individual manufactured
- 9 homes and mobilehomes in each park inspected. Any notices of
- 10 violation of this part shall be issued pursuant to Chapter 3.5
- 11 (commencing with Section 18420).
- 12 (b) In developing its mobilehome park maintenance
- 13 inspection program, the enforcement agency shall inspect the
- 14 mobilehome parks that the enforcement agency determines
- 15 either:
- 16 (1) Had the most serious, or a substantial number of serious,
- 17 ~~health and safety violations as a result of inspections of the parks~~
- 18 ~~made pursuant to the mobilehome park maintenance inspection~~
- 19 ~~program during the 2000 through 2006 phase of the program.~~

1 *health and safety violations as a result of past enforcement*
2 *agency inspections of the parks.*

3 (2) Have complaints that have been made to the enforcement
4 agency regarding serious health and safety violations in the park.
5 A single complaint of a serious health and safety violation shall
6 not automatically trigger an inspection of the entire park unless
7 upon investigation of that single complaint the enforcement
8 agency determines that there is a violation and that an inspection
9 of the entire park is necessary.

10 (c) Nothing in this part shall be construed to allow the
11 enforcement agency to issue a notice for a violation of existing
12 laws or regulations that were not violations of the laws or
13 regulations at the time the mobilehome park received its original
14 permit to operate, or the standards governing any subsequent
15 permit to construct, or at the time the manufactured home or
16 mobilehome received its original installation permit, unless the
17 enforcement agency determines that a condition of the park,
18 manufactured home, or mobilehome endangers the life, limb,
19 health, or safety of the public or occupants thereof.

20 (d) Not less than 30 days prior to the inspection of a
21 mobilehome park under this section, the enforcement agency
22 shall provide individual written notice of the inspection to the
23 registered owners of the manufactured homes or mobilehomes,
24 with a copy of the notice to the occupants thereof, if different
25 than the registered owners, and to the owner or operator of the
26 mobilehome park and the responsible person, as defined in
27 Section 18603.

28 (e) At the sole discretion of the enforcement agency's
29 inspector, a representative of either the park operator or the
30 mobilehome owners may accompany the inspector during the
31 inspection if that request is made to the enforcement agency or
32 the inspector requests a representative to accompany him or her.
33 If either party requests permission to accompany the inspector or
34 is requested by the inspector to accompany him or her, the other
35 party shall also be given the opportunity, with reasonable notice,
36 to accompany the inspector. Only one representative of the park
37 owner and one representative of the mobilehome owners in the
38 park may accompany the inspector at any one time during the
39 inspection. If more than one representative of the mobilehome
40 owners in the park requests permission to accompany the

1 inspector, the enforcement agency may adopt procedures for
2 choosing that representative.

3 (f) The enforcement agency shall coordinate a preinspection
4 orientation for mobilehome owners and mobilehome park
5 operators with the use of an audiovisual presentation furnished
6 by the department to affected local enforcement agencies.
7 Enforcement agencies shall furnish the audiovisual presentation
8 to park operators and mobilehome owner representatives in each
9 park subject to inspection not less than 30 days prior to the
10 inspection. Additionally, it is the Legislature's intent that the
11 department shall, where practicable, conduct live presentations,
12 forums, and outreach programs throughout the state to orient
13 mobilehome owners and park operators on the mobilehome park
14 maintenance inspection program and their rights and obligations
15 under the program.

16 (g) Any local enforcement agency that relinquishes
17 enforcement authority to the department shall remit to the
18 department fees collected pursuant to paragraph (2) of
19 subdivision (c) of Section 18502 that have not been expended for
20 purposes of that paragraph.

21 ~~(h) This section shall remain in effect only until January 1,~~
22 ~~2014, and as of that date is repealed, unless a later enacted~~
23 ~~statute, which is enacted before January 1, 2014, deletes or~~
24 ~~extends that date.~~

25 *(h) The department shall report every five years to the*
26 *Legislature on the status of mobilehome park inspections for the*
27 *previous five-year period. The report shall include, but not be*
28 *limited to, information on the total number of parks and spaces*
29 *in the state, the number of parks and spaces that have been*
30 *inspected, the number of notices of violations issued to park*
31 *operators, the number of notices of violations issued to*
32 *mobilehome owners, the number of violations that have been*
33 *corrected and that remain uncorrected at the end of the five-year*
34 *period, the amount of the fees collected and expended for*
35 *purposes of the inspection program, and recommendations for*
36 *legislative changes to the inspection program made in*
37 *consultation with the task force established pursuant to Section*
38 *18400.3.*

39 ~~SEC. 2. Section 18424 of the Health and Safety Code is~~
40 ~~amended to read:~~

1 ~~18424. This chapter shall remain in effect only until January~~
2 ~~1, 2014, and as of that date is repealed, unless a later enacted~~
3 ~~statute, which is enacted before January 1, 2014, deletes or~~
4 ~~extends that date.~~

5 ~~SEC. 3. Section 18502 of the Health and Safety Code, as~~
6 ~~amended by Section 8 of Chapter 520 of the Statutes of 1999, is~~
7 ~~repealed.~~

8 ~~SEC. 2. Section 18400.3 of the Health and Safety Code is~~
9 ~~amended to read:~~

10 18400.3. (a) The department shall convene a task force of
11 representatives of mobilehome owners, mobilehome park
12 operators, local enforcement agencies that conduct mobilehome
13 park inspections, and the Legislature, at least ~~once a year~~
14 *biannually*, to provide input to the department on the conduct and
15 operation of the mobilehome park maintenance inspection
16 program, *including, but not limited to, frequency of inspection,*
17 *program information, and recommendations for program*
18 *changes.*

19 (b) The Senate Committee on Rules and the Assembly
20 Committee on Rules shall each designate a member of its
21 respective house to be a member of the task force. Each
22 legislative member of the task force may designate an alternate to
23 represent him or her at task force meetings.

24 (c) With the input of the task force, the department may
25 reorganize violations under this part and the regulations adopted
26 pursuant to this part into the following two categories:

27 (1) Those constituting imminent hazards representing an
28 immediate risk to life, health, and safety and requiring immediate
29 correction.

30 (2) Those constituting unreasonable risk to life, health, or
31 safety and requiring correction within 60 days.

32 (d) Any matter that would have constituted a violation prior to
33 January 1, 2000, that is not categorized in accordance with
34 subdivision (c) on or after January 1, 2000, shall be of a minor or
35 technical nature and shall not be subject to citation or notation on
36 the record of an inspection conducted on or after January 1, 2000.

37 ~~SEC. 4.~~

38 ~~SEC. 3. Section 18502 of the Health and Safety Code, as~~
39 ~~amended by Section 22 of Chapter 434 of the Statutes of 2001, is~~
40 ~~amended to read:~~

1 18502. Fees as applicable shall be submitted for permits:

2 (a) Fees for a permit to conduct any construction subject to
3 this part as determined by the schedule of fees adopted by the
4 department.

5 (b) Plan checking fees equal to one-half of the construction,
6 plumbing, mechanical, and electrical permit fees, except that the
7 minimum fee shall be ten dollars (\$10).

8 (c) (1) An annual operating permit fee of twenty-five dollars
9 (\$25) and an additional two dollars (\$2) per lot.

10 (2) An additional annual fee of four dollars (\$4) per lot shall
11 be paid to the department or the local enforcement agency, as
12 appropriate, at the time of payment of the annual operating fee.
13 All revenues derived from this fee shall be used exclusively for
14 the inspection of mobilehome parks and mobilehomes to
15 determine compliance with the Mobilehome Parks Act (Part 2.1
16 (commencing with Section 18200)) and any regulations adopted
17 pursuant to the act.

18 (3) The Legislature hereby finds and declares that the health
19 and safety of mobilehome park occupants is a matter of public
20 interest and concern and that the fee paid pursuant to paragraph
21 (2) shall be used exclusively for the inspection of mobilehome
22 parks and mobilehomes to ensure that the living conditions of
23 mobilehome park occupants meet the health and safety standards
24 of this part and the regulations adopted pursuant thereto.
25 Therefore, notwithstanding any other provisions of law or local
26 ordinance, rule, regulation, or initiative measure to the contrary,
27 the holder of the permit to operate the mobilehome park shall be
28 entitled to directly charge one-half of the per lot additional
29 annual fee specified herein to each homeowner, as defined in
30 Section 798.9 of the Civil Code. In that event, the holder of the
31 permit to operate the mobilehome park shall be entitled to
32 directly charge each homeowner for one-half of the per lot
33 additional annual fee at the next billing for the rent and other
34 charges immediately following the payment of the additional fee
35 to the department or local enforcement agency.

36 (d) Change in name fee or transfer of ownership or possession
37 fee of ten dollars (\$10).

38 (e) Duplicate permit fee or amended permit fee of ten dollars
39 (\$10).

1 ~~(f) This section shall remain in effect only until January 1,~~
2 ~~2014, and as of that date is repealed, unless a later enacted~~
3 ~~statute, which is enacted before January 1, 2014, deletes or~~
4 ~~extends that date.~~

5 ~~SEC. 5. Section 18502 of the Health and Safety Code, as~~
6 ~~amended by Section 9 of Chapter 520 of the Statutes of 1999, is~~
7 ~~amended to read:~~

8 ~~18502. Fees as applicable shall be submitted for permits:~~

9 ~~(a) Fees for a permit to conduct any construction subject to~~
10 ~~this part as determined by the schedule of fees adopted by the~~
11 ~~department.~~

12 ~~(b) Plan checking fees equal to one-half of the construction,~~
13 ~~plumbing, mechanical, and electrical permit fees, except that the~~
14 ~~minimum fee shall be ten dollars (\$10).~~

15 ~~(c) An annual operating permit fee of twenty-five dollars~~
16 ~~(\$25) and an additional two dollars (\$2) per lot.~~

17 ~~(d) Change in name fee or transfer of ownership or possession~~
18 ~~fee of ten dollars (\$10).~~

19 ~~(e) Duplicate permit fee or amended permit fee of ten dollars~~
20 ~~(\$10).~~

21 ~~(f) This section shall become operative on January 1, 2014.~~